

**UNITED AIRLINES
FLIGHT ATTENDANT
FAMILY & MEDICAL
LEAVE POLICY**

 **UNITED**

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Enclosed please find a copy of the United Airlines Flight Attendant Family and Medical Leave Policy booklet. As flight attendants do not work the minimum of 1250 hours in a twelve-month period, they are not eligible for benefits under the Federal Family and Medical Leave Act of 1993. Because of that, the Onboard Division introduced a Family and Medical Leave Policy for Flight Attendants in February, 1994. This policy provides mostly similar benefits to the Act of 1993, but will in certain instances differ slightly due to such requirements as compliance with the terms of your Collective Bargaining Agreement.

The purpose of this Policy as reflected in this pamphlet is to recognize and to provide for unpaid time off for the serious health condition of your spouse, child or parent, for the birth or adoption of a child, or for time off, if requested, for your own serious health condition. It is essential that you fully comply with the procedures as outlined in the pamphlet to allow you to be successful in obtaining your Family Leave benefits.

Please take the time to familiarize yourself with the contents of the pamphlet. If you have any further questions, please contact your supervisor.

Your Rights to Family and Medical Leave

United recognizes the importance of the protections afforded under its Family and Medical Leave Policy. The information as contained in this pamphlet fully explains the substantive provisions of that policy to allow the individual flight attendant to make a decision as to whether to explore her/his family and medical leave rights. Although supervisors are there to answer any questions flight attendants might have as to United's Family and Medical Leave policy, the responsibility is that of the flight attendant to go forward with the request for FMLA. It is absolutely essential that flight attendants follow the timeframes as contained in this document and fully complete the required documentation. Until such time as this documentation is fully completed, submitted to either the Company Medical for the flight attendant's own serious health condition or her/his supervisor for other qualified reasons and subsequently approved by the Company, the entitlement for Family and Medical Leave will not be granted. Failure to complete the above requirement could result in a denial of Family and Medical leave benefits.

United Airlines Flight Attendant Family and Medical Leave Policy

The Family and Medical Leave Act (the Act) was signed into law in 1993. United Airlines flight attendants do not meet the threshold of 1250 hours worked in a year to be eligible under the Act. However, the Onboard Division chose to extend Family and Medical Leave benefits to flight attendants by introducing this Flight Attendant Family and Medical Leave Policy in February 1994. In addition, Section 23.M.1 & 2 of your 1996-2001 and 2001-2006 Agreement refers to the Company's Family Medical Leave Policy for flight attendants. This policy provides mostly similar benefits to flight attendants as those provided by the Act.

Although this document contains extensive information, a flight attendant should contact her/his supervisor with questions regarding the Family and Medical Leave Policy.

What is the Family and Medical Leave Policy?

United Airlines will provide flight attendants with 2.8 months (216 flight hours) of unpaid job protected leave to eligible flight attendants during a rolling 12 month period for the following reasons:

- ▶ To care for the employee's (applies to either mother or father) child after birth or placement for adoption or foster care
- ▶ To care for the employee's spouse, child or parent, who has a serious health condition
- ▶ For an employee's own serious health condition

What is a spouse, child or parent?

Spouse – A husband or wife as defined or recognized under State law for purposes of marriage, including common law marriage in States where it is recognized. "Significant others" do not qualify.

Parent – A biological parent or an individual who stands or stood in loco parentis (someone assuming the rights and duties of a parent) to an employee when the employee was a child. Does not include parents "in-law".

Child (Son or Daughter) - A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (someone assuming the rights and duties of a parent) who is either under age 18, or age 18 or older and "incapable of self-care because of mental or physical disability."

Who is eligible for FMLA?

A flight attendant must have one year of service and have received pay for at least 470 credited flight time hours during the previous 12 months. All paid hours including sick leave will count toward the 470 hours.

Why are flight attendants eligible for 2.8 months rather than 12 weeks of FMLA?

As flight attendants work schedules are built on a monthly basis, it is necessary to convert the twelve weeks given under FMLA into monthly calculations. Twelve weeks is equal to 2.8 months as calculated on a 12 month per year basis. Calculation formula: 12 weeks ÷ 52 weeks = 23% x 12 months = 2.76 months, rounded up to 2.8 months. Therefore, flight attendants can be granted up to 2.8 months of FMLA.

- A. A flight attendant who takes FMLA for all IDs in the monthly line of flying will be charged with actual value of LOF.
- B. A flight attendant who has no line of flying during a full month of FMLA will be charged with .77.00 hours.
- C. A flight attendant who drops less than all IDs in a month will be charged for actual value of IDs credited to Family Leave usage.

What will a flight attendant be charged for FMLA purposes if they need time off during a scheduled ID?

A flight attendant who seeks a FMLA leave during a portion of an ID will cause the balance of the ID to be dropped from their schedule and family leave days will be assessed against each day of the ID dropped.

Since the Act provides for unpaid leave, can paid sick leave or vacation be charged as FMLA?

Sick leave may be used for the employee's own illness and may run concurrent with a Family Leave, if requested and approved by her/his supervisor. A flight attendant may designate a complete current year vacation period to run concurrently with a Family Medical Leave. Such vacation will commence on the first day of the Family Medical Leave (AFA Agreement, Section 23.M.) A flight attendant should contact her/his supervisor to request the movement of the vacation period into the FMLA.

What is intermittent FMLA?

Under certain circumstances, flight attendants may take FMLA in smaller blocks of time or by reducing their normal monthly schedule for the serious illness of the employee, spouse, child or parent. For example, a flight attendant who is scheduled for therapy on certain days of a month may request intermittent FMLA for this purpose. Intermittent leave may not be used for the birth or adoption of a child.

Is there an advance notice requirement?

When the need for FMLA is foreseeable, such as in the case of planned medical treatment or for the birth or placement of a child, the flight attendant must give at least 30 days advance notice to her or his supervisor. If the leave needs to begin in less than 30 days, the employee must give verbal notice to her/his supervisor as soon as practicable, with written notice to follow soon thereafter. When the leave is foreseeable and the flight attendant fails to give the required advance verbal notice, the Company may delay the effective date of the leave by the number of days the employee was deficient in providing notice.

When the need for the leave is not foreseeable, the flight attendant must give notice to her/his supervisor as soon as practicable including the circumstances of her or his case. It is expected that the flight attendant will give notice within one or two working days of learning of the need for leave, except in extraordinary circumstances. When the flight attendant is unable to give notice to her/his supervisor personally, the flight attendant's representative may give notice. The employee or representative will then be expected to provide more complete information, if need be, as soon as practical.

What is the Family Leave policy for the birth or adoption of a child?

The total FMLA leave time permitted for the birth of a child is 2.8 months. Parental leave for adoption of a child is 3 months. The mother may begin her leave before the birth of the child in order to receive prenatal care or if her condition renders her unable to work, or anytime during the year following birth or adoption. The father may take FMLA anytime during the year following the birth or adoption.

All FMLA Leave for the birth of a child or adoption must be concluded by the end of the 12 month period beginning on the date of birth or placement.

If both parents are married UA employees, then they are collectively entitled to up to 2.8 months of FMLA leave – i.e., not 2.8 months each, but 2.8 months combined.

A paternal and/or parental leave granted under Section 23.G. of the Flight Attendant Agreement will be charged to FMLA if the flight attendant has FMLA remaining and meets eligibility requirements.

Flight attendants may not schedule FMLA leave for the birth or adoption of a child on an intermittent basis.

Time off granted to a flight attendant between the 91st and 180th day following delivery due to the health of the newborn child in accordance with Section 23.D.3. of the Flight Attendant Agreement will be charged with up to 90 days of FMLA, if she has FMLA remaining and meets eligibility requirements. This granting of 90 days rather than 2.8 months (216 flight hours) is an exception to FMLA policy.

What is a serious health condition?

A Serious Health Condition is an illness, injury, impairment or physical or mental condition that involves either:

Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or

Continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:

(1) A health condition (including treatment therefore, or recovery therefrom) lasting more than three consecutive days, and any subsequent treatment or period of capacity relating to the same condition, that also includes:

- ▶ treatment two or more times by or under the supervision of a health care provider; or
- ▶ one treatment by a health care provider with a continuing regimen or treatment; or

NOTE: A flight attendant who is on sick leave for more than three consecutive days may be eligible for family leave if she/he is under the care of a health care provider for a serious health condition lasting more than three consecutive days. Any flight attendant that believes that she/he may qualify hereunder should contact her/his supervisor to apply for FMLA.

(2) Pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; or

(3) A chronic serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes). A visit to a health care provider is not necessary for each absence; or

(4) A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or

(5) Any absences due to multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

What benefits are affected when a flight attendant takes an unpaid FMLA?

Medical and Dental benefits continue under the same conditions as if the employee were active. For example, a flight attendant with Traditional Medical Plan coverage would pay no premiums during the FMLA. However, a flight attendant with health Maintenance Organization (HMO) coverage must continue to pay her/his monthly portion of the cost.

All other benefits are administered in accordance with Company policy and the Flight Attendant Agreement for Illness Leave of Absence or Personal leave of Absence.

How does a flight attendant apply for a Family Medical Leave and who approves the request?

The flight attendant should obtain a Family and Medical Leave packet from the domicile and complete the required documentation contained in the packet. Failure to complete the documentation fully and in a timely manner could result in Family Leave benefits being denied. If the request is for her/his own serious health condition, the request for Family Leave should be sent to the United Medical office. The Medical office will notify your supervisor whether the illness qualifies as a serious health condition.

A request for FMLA for qualifying reasons other than the employee's own serious health condition, should be sent to the flight attendant's supervisor. A supervisor may consult with the local Flight Surgeon concerning the medical condition of designated eligibles under the Family Leave policy.

The supervisor will approve or disapprove the request.

In the event of a dispute over a medical condition, procedures for handling the dispute are outlined in Series 15-7.

What is a Health Care Provider?

Health care provider means:

- (1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or
- (2) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law; and
- (3) Nurse practitioners and nurse-midwives who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law; and
- (4) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.
- (5) Any health care provider recognized by United or the Blue Cross/Blue Shield Insurance Company.

Is a flight attendant subject to disciplinary action when taking a Family Leave?

The Family and Medical Leave Policy prohibits the inclusion of a Family Leave in dependability reviews. A flight attendant taking an approved Family Leave is not subject to discipline for the period in which family leave has been approved.

